

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO)

I.(a) PLAINTIFFS
UNITED STATES OF AMERICA

DEFENDANTS

Franzo W. King aka Franzo
Wayne King aka Franzo King
aka Wayne King

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)**

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
LAW OFFICE OF MICHAEL COSENTINO
P.O. BOX 129, ALAMEDA, CA 94501
510-523-4702

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN "✓" IN ONE BOX ONLY)

- | | |
|---|--|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "✓" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN

(PLACE AN "✓" IN ONE BOX ONLY)

- | | | | | | | |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another district (specify) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

V. NATURE OF SUIT (PLACE AN "✓" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input checked="" type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 365 Motor Vehicle Product Liability <input type="checkbox"/> 380 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med Malpractice <input type="checkbox"/> 363 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 680 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
		PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Emp/Ret Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWV (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
				FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (US Plaintiff or Defendant <input type="checkbox"/> 871 IRS - Third Party 28 USC 7609
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		<input type="checkbox"/> 890 State Reapportionment <input type="checkbox"/> 891 Antitrust <input type="checkbox"/> 892 Banks and Banking <input type="checkbox"/> 893 Commerce/ICC Rates/etc. <input type="checkbox"/> 894 Deportation <input type="checkbox"/> 895 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 896 Selective Service <input type="checkbox"/> 897 Securities/Commodities/ Exchange <input type="checkbox"/> 898 Customer Challenge 12 USC 3410 <input type="checkbox"/> 899 Agricultural Acts <input type="checkbox"/> 900 Economic Stabilization Act <input type="checkbox"/> 901 Environmental Matters <input type="checkbox"/> 902 Energy Allocation Act <input type="checkbox"/> 903 Freedom of Information Act <input type="checkbox"/> 904 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 905 Constitutionality of State Statutes <input type="checkbox"/> 906 Other Statutory Actions

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION **DEMAND \$** CHECK YES only if demanded in complaint:
 UNDER F.R.C.P. 23 \$5,480.00 **JURY DEMAND:** YES NO

VIII. RELATED CASE(S) IF ANY PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE A "✓" IN ONE BOX ONLY) SAN FRANCISCO/OAKLAND SAN JOSE

DATE July 7, 2008

SIGNATURE OF ATTORNEY OF RECORD

JMC

1 MICHAEL COSENTINO, ESQ., State Bar No. 83253
2 Attorney at Law
3 P.O. Box 129
4 Alameda, CA 94501
5 Telephone: (510) 523-4702

6
7
8 Attorney for Plaintiff
9 United States of America

FILED
08 JUL 14 AM 9:42
RICHARD W. WIEKING
U.S. DISTRICT COURT
NORTHERN CALIFORNIA

SLM

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 CV 08 Case No.
13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 Franzo W. King aka Franzo Wayne King aka
17 Defendant(s).
18 Franzo King aka Wayne King,
19 Plaintiff, through its attorney, alleges:
20 1. Jurisdiction: The Court has jurisdiction of this action under 28 U.S.C. Section
21 1345.
22 2. Defendant resides in the Northern District of California.
23 3. Defendant owes plaintiff \$5,480.00, plus additional interest according to the
24 Certificate of Indebtedness, a copy of which is annexed hereto as Exhibit A.
25 WHEREFORE, plaintiff demands judgment against defendant for the sum of
26 \$5,480.00, additional interest to the date of judgment, attorney's fees in the amount of
27 33.33% of the debt, and court costs.
28 Date: July 7, 2008

COMPLAINT
(Student Loan\Debt Collection Case)

JMC
LAW OFFICE OF MICHAEL COSENTINO
By: MICHAEL COSENTINO
Attorney for the Plaintiff
United States of America

**S. DEPARTMENT OF EDUCATION
SAN FRANCISCO, CALIFORNIA**

CERTIFICATE OF INDEBTEDNESS #1 OF 1

Franzo W King
 aka: Franzo Wayne King, Franzo King
 2804 Ingalls Street
 San Francisco, CA 94124
 Account No. XXXXX7146

I certify that U.S. Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 5/1/2008.

On or about 4/9/1985 & 1/14/1986, the borrower executed promissory note(s) to secure loan(s) of \$2,500.00 & \$2,500.00 from GLENDALE FEDERAL SAVINGS AND LOAN, GLENDALE, CA. This loan was disbursed for \$2,500.00 on 4/15/1985 & \$2,500.00 on 4/8/1986 at 8.00 percent interest per annum. The loan obligation was guaranteed by CALIFORNIA STUDENT AID COMMISSION/EDFUND, and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et seq. (34 C.F.R. Part 682). The holder demanded payment according to the terms of the note, and credited \$0.00 to the outstanding principal owed on the loan. The borrower defaulted on the obligation on 10/30/1991, and the holder filed a claim on the loan guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$5,480.00 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. Pursuant to 34 C.F.R. § 682.410(b)(4), once the guarantor pays on a default claim, the entire amount paid becomes due to the guarantor as principal. The guarantor attempted to collect this debt from the borrower. The guarantor was unable to collect the full amount due, and on 1/23/2000, assigned its right and title to the loan to the Department.

Since assignment of the loan, the Department has credited a total of \$0.00 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

Principal:	\$5,480.00
Interest:	\$7,218.30
Total debt as of 5/1/2008:	\$12,698.30

Interest accrues on the principal shown here at the rate of \$1.20 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 06/09/08

**Delfin M. Reyes
Loan Analyst**

Delfin M. Reyes
 Loan Analyst
 Litigation Support

EXHIBIT A